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In re Application of	:	
VERREAUULT et al.	:	
U.S. Application No. 09/787,782	:	
PCT No.: PCT/CA99/00849	:	NOTIFICATION OF
Int. Filing Date: 21 September 1999	:	ABANDONMENT
Priority Date: 21 September 1998	:	
Attorney Docket No.: 2126.005	:	
For: CLEANSING TOWLETTE DISPENSER	:	

The above-identified application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

### BACKGROUND

On 21 September 1999, applicant filed international application no. PCT/CA99/00849 which claimed a priority date of 21 September 1998. A proper Demand was filed with the International Preliminary Examination prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the international filing date, i.e., 21 March 2001.

On 21 March 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by: check in the amount of \$355; an English translation of international application; and an assignment.

On 23 April 2001, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 02 July 2001, applicant filed "Petition under 37 CFR 1.47(b)"; a declaration and power of attorney executed declaration on behalf of the assignee -- Visimax USA, Inc.; and an assignment. The petition was dismissed in a decision dated 12 September 2001.

On 14 January 2002, applicant filed renewed petition under 37 CFR 1.47(b). In a decision dated 19 March 2002, the petition under 37 CFR 1.47(b) was dismissed.

On 17 May 2002, applicant filed renewed petition under 37 CFR 1.47(b). In a decision dated 24 July 2002, the petition under 37 CFR 1.47(b) was granted and the application was given an international filing date of 21 September 1999 under 35 U.S.C. 363, and a date of 17 May 2002 under 35 U.S.C. 371(c).

### DISCUSSION

The above-identified application was abandoned on 22 March 2001 for failure to pay the full basic national fee 30 months from the priority date for international application no. PCT/CA99/00849. The basic national fee for a small entity whose international search report was conducted by the European Patent Office is \$430. (See 37 Code of Federal Regulation 1.492(a)(3)). A review of the finance record reveals that a check in the amount of \$355 was included with the Transmittal Letter filed on 21 March 2001, however, an authorization to charge additional fees to the deposit account was not provided. Accordingly, applicant has failed to pay the full basic national fee prior to the expiration of the 30th month deadline. Therefore, the Decision mailed 24 July 2002 by the PCT Legal Office was mailed in error and is hereby vacated.

### RECOMMENDATION

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(b) requesting that the application be revived. This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

### CONCLUSION

Therefore, the application is **ABANDONED** for failure to pay the full basic national fee by 30 months from the priority date for international application no. PCT/CA99/00849.

Please direct further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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